

1 DANIEL G. BOGDEN
United States Attorney
2 Nevada Bar No. 2137
MICHAEL A. HUMPHREYS
3 Assistant United States Attorney
Lloyd D. George United States Courthouse
4 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: (702) 388-6336
Facsimile: (702) 388-6787
6 Counsel for the United States of America

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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)

11 Plaintiff,)

12 v.)

3:12-CV-582-RCJ-(WGC)

13 \$12,900.00 IN UNITED STATES CURRENCY,)

14 Defendant.)

15 **DEFAULT JUDGMENT OF FORFEITURE**

16 The United States filed a verified Complaint for Forfeiture in Rem on October 31, 2012.
17 Complaint, ECF No. 1. The Complaint alleges the \$12,900.00 in United States Currency:

- 18 a. was furnished or was intended to be furnished in exchange for controlled substances
19 in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and
20 is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6);
- 21 b. is proceeds traceable to exchanges of controlled substances in violation of Title II of
22 the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and is subject to forfeiture
23 pursuant to 21 U.S.C. § 881(a)(6);
- 24 c. was used or was intended to be used to facilitate violations of Title II of the Controlled
25 Substances Act, 21 U.S.C. § 801 *et seq.*, and is subject to forfeiture pursuant to 21
26 U.S.C. § 881(a)(6);

1 On November 21, 2012, the Court entered an Order for Summons and Warrant of Arrest in
2 Rem for the Property and Notice (ECF No. 3) and issued the Summons and Warrant of Arrest in Rem
3 (ECF No. 4).

4 Pursuant to the Order (ECF No. 3), the Complaint (ECF No. 1), the Order (ECF No. 3), the
5 Summons and Warrant (ECF No. 4), and the Notice of Complaint for Forfeiture (ECF No. 6, p. 62-63)
6 were served on the \$12,900.00 in United States Currency, and the Notice was published according to
7 law. Notice of Filing Proof of Publication, ECF No. 5. All persons interested in the \$12,900.00 in
8 United States Currency were required to file their claims with the Clerk of the Court within 30 days
9 of the publication of the Notice or within 35 days of actual notice of this action, as applicable,
10 followed by the filing of an answer to the Complaint within 21 days after the filing of their respective
11 claims. Complaint, ECF No. 1; Order, ECF No. 3; Summons and Warrant, ECF No. 4; Notice of
12 Complaint for Forfeiture, ECF No. 6, p. 62-63; Notice of Filing Proof of Publication, ECF No. 5;
13 Notice of Filing Service of Process, ECF No. 6, p.61-73.

14 Public notice of the forfeiture action and arrest was given to all persons and entities by
15 publication on the official government website www.forfeiture.gov from November 28, 2012, through
16 December 27, 2012. Notice of Filing Proof of Publication, ECF No. 5.

17 On January 2, 2013, the United States Marshals Service served the Complaint, the Order, the
18 Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on the
19 \$12,900.00 in United States Currency. Notice of Filing Service of Process, ECF No. 6, p. 61-73.

20 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
21 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Scott Paul Possin by
22 certified return receipt mail. Notice of Filing Service of Process, ECF No. 6, p. 3-17.

23 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
24 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Scott Paul Possin by
25 regular mail. Notice of Filing Service of Process, ECF No. 6, p. 33-46.

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1 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
2 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Scott Paul Possin by and
3 through Jennifer E. Speas, his counsel, by certified return receipt mail. Notice of Filing Service of
4 Process, ECF No. 6, p. 18-32.

5 On January 3, 2013, the United States Marshals Service served the Complaint, the Order, the
6 Summons and Warrant of Arrest in Rem for the Property, and the Notice on Scott Paul Possin by and
7 through Jennifer E. Speas, his counsel, by regular mail. Notice of Filing Service of Process, ECF No.
8 6, p. 47-60.

9 On March 5, 2013, the United States filed a Settlement Agreement, Stipulation for
10 Entry of Judgment of Forfeiture as to Scott Paul Possin, and Order (ECF No. 7), regarding the
11 \$12,900.00 in United States Currency. Claimant waived, among other things, service of process.

12 On March 13, 2013, the Court entered the Order granting the Settlement Agreement,
13 Stipulation for Entry of Judgment of Forfeiture as to Scott Paul Possin where Scott Paul Possin agreed
14 to the forfeiture of the \$12,900.00 in United States Currency. (ECF No. 8).

15 No other person or entity has filed a claim, answer, or responsive pleading within the time
16 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

17 On March 15, 2013, the United States filed a Request for Entry of Default against the
18 \$12,900.00 in United States Currency, Scott Paul Possin, and all persons or entities who claim an
19 interest in the \$12,900.00 in United States Currency in the above-entitled action. Request for Entry
20 of Default, ECF No. 9.

21 SCOTT PAUL POSSIN is not in the military service within the purview of the
22 Servicemembers Civil Relief Act. Notice of Filing Service of Process, ECF No. 9, Exhibit 1.

23 On March 18, 2013, the Clerk of the Court entered a Default against the \$12,900.00 in United
24 States Currency, Scott Paul Possin, and all persons or entities who claim an interest in the \$12,900.00
25 in United States Currency in the above-entitled action. Default, ECF No. 10.

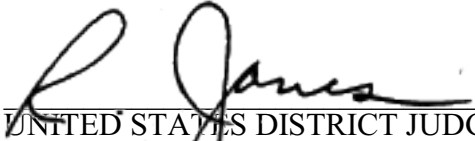
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1 The allegations of the Complaint are sustained by the evidence and are adopted as findings
2 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
3 in the Complaint.

4 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
5 Default Judgment of Forfeiture be entered against the \$12,900.00 in United States Currency, Scott
6 Paul Possin, and all persons or entities who claim an interest in the \$12,900.00 in United States
7 Currency in the above-entitled action.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
9 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
10 shall exist in any other party.

11 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
12 cause for the seizure or arrest of the \$12,900.00 in United States Currency.

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16 UNITED STATES DISTRICT JUDGE

17 DATED: April 5, 2013
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